

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 OCT 29 2007 ML 2549

UNITED STATES OF AMERICA,

Plaintiff,

v.

Manuel MORENO,

Defendant

Magistrate Judge

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF:

BY:

DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **October 28, 2007** within the Southern District of California, defendant, **Manuel MORENO**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

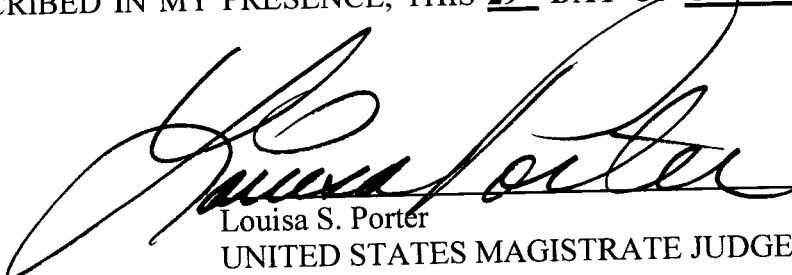


SIGNATURE OF COMPLAINANT

Sean Braud

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29th DAY OF OCTOBER,
2007



Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:
Manuel MORENO**

PROBABLE CAUSE STATEMENT

On October 28, 2007, at approximately 5:00 am, Border Patrol Agent N. Lopez was performing linewatch duties when he responded to a call by the Remote Video Surveillance System Operator (RVSS) of three individuals heading northbound in an area known as "Echo 1". This area is approximately one half mile east of the San Ysidro, California Port of Entry and adjacent to the United States / Mexico international border. "Echo 1" is commonly used by illegal aliens to further their entry into the United States. Agent Lopez was guided to the group of three by the RVSS operator and identified himself as a Border Patrol Agent when all three individuals fled. Agent Lopez pursued them on foot and lost sight of two individuals behind the Greyhound station located just east of the San Ysidro, California Port of Entry. Agent Lopez caught up to the third individual, who was later identified as the defendant Manuel MORENO, trying to change his shirt at the front of the Jack in the Box on San Ysidro Blvd. Agent Lopez again identified himself as a Border Patrol Agent and questioned the defendant regarding his citizenship. The defendant admitted to being a citizen of Mexico without the proper documents allowing him to enter or remain in the United States legally. The defendant was placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on October 2, 2007 through Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights and stated that he understood them and was willing to answer questions without the presence of an attorney. The defendant admitted that he is a national of Mexico without the proper documents allowing him to enter or remain in the United States legally. He further stated that he has been previously deported from the United States.